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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,767	05/22/2000	Brandon A. Grooters	1492	2915

24333 7590 08/12/2004

GATEWAY, INC.  
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610 GATEWAY DRIVE  
MAIL DROP Y-04  
N. SIOUX CITY, SD 57049

EXAMINER

DETWILER, BRIAN J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/575,767

Applicant(s)

GROOTERS, BRANDON A.

Examiner

Brian J Detwiler

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-6,9-11,14-16,19-21,24-26,29,30,32,33,35,36 and 38-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,9-11,14-16,19-21,24-26,29,30,32,33,35,36 and 38-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,288,716 (Humpleman et al) and U.S. Patent No. 6,304,523 (Jones et al).

Referring to claims 1, 5, 11, 15, 21, and 25, Humpleman discloses in column 2: lines 28-60 an information appliance or control apparatus having a graphical user interface and capable of accessing content via a network. Humpleman further discloses in this section that numerous devices are capable of being operably connected with the information appliance. Humpleman discloses in column 17: lines 61-67 and Figure 11 that one device capable of being operably connected to the information appliance is a DVD player, which is inherently capable of delivering audio and video content. Humpleman next discloses in column 10: lines 59-67 through column 11: lines 1-13 that a discovery process automatically detects devices on a network and that a configuration manager is used to associate each detected device with a unique IP address and a logical name. In column 15: lines 28-67, Humpleman further explains that a session manager maintains a list of available devices and enables a user to initiate services on selected devices via the graphical user interface. Accordingly, a device channel is established for each device and enables communication with the information appliance. Figures 8 and 10-13

Art Unit: 2173

further provide examples of how the graphical user interface displays information about each of the detected devices via said device channels. In column 20: lines 58-67 and column 21: lines 1-10, Humpleman explains that in one embodiment an external connection can be established to allow the network to interface with the Internet. In this embodiment, a user's home network becomes a part of the Internet so that home devices can be controlled remotely. A device channel created for a particular home device would thus comprise information associated with the device and content retrieved from the Internet relating to the device. In column 23: lines 28-50, Humpleman discloses a multimedia identification process in which each of a plurality of devices is searched to determine what audiovisual media is currently available. More generally, this process establishes a media channel with each device to retrieve a list of the available media. Humpleman illustrates in Figure 11 that frame 704 comprises a listing of detected devices. As mentioned above, each detected device is associated with a corresponding device channel. Upon selection of a particular device, frames 706 and 708 are then programmed to display media information from the corresponding media channel. Since the media channels are associated with a particular device and can only be accessed once a device channel has been established, it can be said that the media channels are sub-channels of the device channels. Humpleman further explains in this section that an HTML program guide file can be generated to display the list of audiovisual media to the user. Although Humpleman's invention can interface with and retrieve information from the Internet as discussed above, Humpleman fails to disclose that the information appliance is capable of searching the Internet for content relating to the audiovisual media. Jones, however, teaches that this feature is well known in the art. Specifically, in column 1: lines 37-45, Jones explains that computer databases of CD title and track information can be

Art Unit: 2173

accessed via the Internet by certain software programs. Jones further explains that these software programs automatically access said computer databases to obtain information about a CD when it is first played. This feature is beneficial to users because title and track information is typically not embedded in a CD and thus users may be unaware of what they are actually listening to. Since Humpleman's invention allows users to access and control a plurality of multimedia devices including CD players, it would have been beneficial to further include the teachings of Jones. In fact, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include Jones' Internet database automatic search feature in the invention of Humpleman so that users would have access to title, track, and potentially other information associated with an audiovisual media.

Referring to claims 4, 14, and 24, Jones disclose in column 1: lines 37-45 that the worldwide network is the Internet.

Referring to claims 6, 16, and 26, Humpleman discloses in Figure 11 that the information appliance can detect a plurality of devices. As explained above, each detected device has an associated device channel.

Referring to claims 9, 19, and 29, Humpleman discloses in Figure 7 a device link page, which comprises a list of available devices together with logos indicating each device's manufacturer. This information would be distributed via the device channels.

Referring to claims 10, 20, and 30, Humpleman discloses in column 16: lines 13-46 that upon utilization of a device, the aforementioned session manager obtains the capabilities of the selected device and searches for corresponding capabilities in other detected devices on the network. Therefore, the device channel is updated. Humpleman further discloses in column 13:

Art Unit: 2173

lines 52-60 that upon utilization of a device, the respective device's home page is displayed via the graphical user interface. Each device's home page is loaded directly from the device and thus represents the present state of the device. Accordingly, when a home page is loaded, the media channel is updated.

Referring to claims 33 and 36, after a device channel has been established as explained above, Humpleman explains in column 16: lines 13-46 that the session manager obtains and analyzes the capabilities of the selected device. These capabilities reflect the type of audiovisual media that can be delivered through the network. Upon delivery of a certain type of media through the device channel, a media sub-channel is subsequently created.

Referring to claims 38-46, the interface for "Jims DVD" in Figure 11: panel 708 of Humpleman includes the message "Playing Ben Hur", which indicates that the DVD currently being played is entitled "Ben Hur". Accordingly, "Jims DVD" inherently must have detected the placement of the "Ben Hur" DVD into the device and subsequently communicated the detection to the information appliance. The interface at the information appliance would have no other way of knowing what the currently playing audiovisual media was. A media sub-channel is thus created in response to said detection.

### ***Response to Arguments***

Applicant's arguments filed 10 May 2004 have been fully considered but they are not persuasive. Applicant simply argues that Humpleman and Jones fails to teach or suggest all of the elements of the independent claims. The examiner respectfully disagrees and submits that

Art Unit: 2173

the combination of Humpleman and Jones anticipates the claimed invention for at least the reasons discussed above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J Detwiler whose telephone number is 703-305-3986. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on 703-308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bjd



CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER